

REMARKS

Applicants have carefully reviewed this Application in light of the Final Office Action mailed October 9, 2009. At the time of the Final Office Action, Claims 27-42 are pending in this Application. Claims 1-26 were previously canceled without prejudice or disclaimer. Claims 27-42 were rejected. Independent Claims 27 and 39 are hereby amended. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 103

Claims 27-32 and 37-42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over International Application No. WO9833343 issued to Marja-Leena Lehmus et al. ("*Lehmus*") in view of U.S. Patent No. 7,155,417 issued to David J. Sagar et al. ("*Sagar*").

Claim 33 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Lehmus* in view of *Sagar* and further in view of U.S. Patent 6,907,239 issued to Timo E. Sivula ("*Sivula*").

Claims 34-35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Lehmus* in view of *Sagar* and further in view of U.S. Patent 6,967,011 issued to Arnaud Capitant ("*Capitant*").

Claim 36 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Lehmus* in view of *Sagar* and further in view of *Capitant* and still further in view of *Sivula*.

Although Applicants disagree with the Examiner's position stated in the Final Office Action and maintained in the Advisory Action, Applicants have amended independent Claims 27 and 39 in order to further clarify the distinctions between the pending claims and the cited references.

In order to establish a prima facie case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). The cited references fail to teach all limitations of amended independent Claims 27 and 39. For example, Applicants amended Claims 27 and 39 recite:

- a user identification circuit (e.g., SIM card) in a telecommunication device receives service requests from the telecommunication device,
- in response, the user identification circuit sends the telecommunication device a service ID for each service request that identifies that particular service request,
- for each service request, the user identification circuit sends a service request message to a service computer, and receives a pre-paid account status message (e.g., credit approved or declined) from the service computer, and
- for each received pre-paid account status message, the user identification circuit sends the telecommunication device and account status result message that indicates the decision (e.g., credit approved or declined) and also identifies the service ID that the decision relates to, so that the telecommunication device can match each account status result message with its corresponding service request.

None of *Lehmus*, *Sagar*, *Capitant*, or *Sivula* teach these features. In particular, *Lehmus* does not teach a user identification circuit (e.g., SIM card) sending the telecommunication device a service ID for each service request, and then later, after receiving a decision for each service request, sending the telecommunication device a result message that also includes the service ID so that the telecommunication device can keep track of multiple service requests in an easy and efficient manner.

The Examiner argues that *Lehmus* teaches communicating a user identification message from a user identification circuit to a telecommunication device at Fig. 4c, page 10, lines 10-17. However, page 10, lines 10-17 actually describes a SIM sending an SMS to a server 10 for approval of a credit request, *not to the telecommunication device in which the SIM is located*. Thus, Applicants submit that the Examiner has not shown the previously recited limitation of communicating a user identification message from a user identification circuit to a telecommunication device, much less communicating a user identification message that includes a service ID that the telecommunication device can later match with the service ID in an account status result message that includes the decision for a corresponding service request. *Lehmus* simply does not teach these limitations.

Further, *Sagar*, *Capitant*, and *Sivula* do not teach these limitations of amended Claims 27 and 39, and the Examiner has not alleged that these reference do teach similar limitations.

For at least these reasons, *the cited references* fail to teach the limitations of amended independent Claims 27 and 39 discussed above. Thus, Applicants respectfully request reconsideration and allowance of amended Claims 27 and 39, as well as all claims that depend therefrom.

In the event the Examiner maintains any rejection of the amended claims based on the cited references, Applicants respectfully request that the Examiner indicate the specific system elements of the references that are allegedly equated with the specific system elements recited in amended claims. For example, Applicants were unable to determine from the “Response to Arguments” section of the Final Office Action which features of *Lehmus* the Examiner was equating with the claimed “telecommunication device,” as well as whether the Examiner was equating *Lehmus*’ remote reader J1 with any element of Applicants’ claims.

CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-4871 of King & Spalding L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.457.2030.

Respectfully submitted,
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Date: December 9, 2009

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